

CHAPTER 7 TRUSTEE QUESTIONNAIRE ON ASSET ADMINISTRATION

Directions for the trustee: Please complete and return this asset administration questionnaire (AAQ) to this office by _____. A yes response does not require a comment (unless otherwise indicated). A no or N/A (not applicable) response requires a thorough comment in the space provided (attach additional pages as necessary). If you have not yet encountered the situation described, please indicate how you would handle the situation if it comes up in the future. References to “you” or “trustee” refer to the chapter 7 trustee personally. Where possible, references to the 1998 Handbook for Chapter 7 Trustees are shown in parentheses. This questionnaire is available on disk, upon request.

I. General Information

Trustee name: _____

Initial Appointment Date: _____ Judicial District: _____

Other profession (if any): _____

II. Asset Administration

Y = YES; N = NO, NA = NOT APPLICABLE		Y	N	NA
A	General Procedures			
a	Briefly describe how you or your staff track new case assignments:			
b	How do you ensure that you meet case administration deadlines in the following areas:			
	1) § 341(a) meetings (i.e. collection of information, continuances, etc.) (<i>Handbook 7-1</i>)			
	2) review of and objection to exemptions (<i>Handbook 8-2</i>)			
	3) filing or referring discharge actions (<i>Handbook 6-9</i>)			

Y = YES; N = NO, NA = NOT APPLICABLE		Y	N	NA
	4) monitoring claims bar dates (<i>Handbook 8-1</i>)			
	5) filing avoidance actions (<i>Handbook 8-11</i>)			
	6) filing and resolving claims objections (<i>Handbook 8-28</i>)			
	7) submission of TFRs (<i>Handbook 8-32</i>)			
	8) submission of TDRs (<i>Handbook 8-34</i>)			
c	1) When do you determine that a case will be administered as an asset case?(<i>Handbook 6-4, 8-1</i>)			
	2) Who makes the determination that a case will be administered as an asset case? (<i>Handbook 6-4</i>)			
	3) Describe how you determine whether a case will be administered as an asset case. (<i>Handbook 8-1</i>)			
	4) When is a Form 1 prepared for a case? (<i>Handbook 9-4</i>)			
d	1) Do you have a minimum liquidation dollar amount for a case to be administered? (<i>Handbook 8-1</i>)			
	2) If yes, what is it? _____			
	3) How was the amount determined?			

Y = YES; N = NO, NA = NOT APPLICABLE		Y	N	NA
e	<p>In connection with securing the assets of a business, are the premise's locks promptly changed? (<i>Handbook 6-13</i>) If no or N/A, comment:</p> <p><i>Please provide an example of correspondence used in this regard.</i></p>			
f	<p>1) Are debtor accounting records promptly obtained? (<i>Handbook 6-13, 7-1</i>) If no or N/A, comment:</p>			
	<p>2) If yes, describe when and how the records are obtained:</p> <p><i>Please provide an example of correspondence used in this regard.</i></p>			
g	<p>1) For all estate assets, how do you determine if administration of the assets will benefit the estate?</p>			
	<p>2) How is this decision documented? (<i>Handbook 8-16</i>)</p>			
h	<p>How do you determine the validity of scheduled security interests? (<i>Handbook 8-3, 8-16</i>)</p>			
i	<p>1) Do you or your staff perform a search for unscheduled assets? (<i>Handbook 6-3, 6-4</i>) If no or N/A, comment:</p>			
	<p>2) If yes, describe how the search is performed:</p>			
j	<p>Describe how you evaluate whether the debtor has made any fraudulent or preferential transfers: (<i>Handbook 8-11, 8-12</i>)</p>			

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k	Describe how you determine the value of a debtor's interest in incorporated and unincorporated entities (e.g., corporations, partnerships, sole proprietorships): (<i>Handbook 6-3, 6-4</i>)			
l	Describe how you determine the value of other types of assets (e.g., intangibles): (<i>Handbook 6-3, 6-4</i>)			
m	1) Describe how you decide which assets to abandon: (<i>Handbook 8-2</i>)			
	2) How are these decisions documented?			
n	1) Do you promptly obtain casualty insurance, when possible, for assets of the estate? (<i>Handbook 6-13</i>) If no or N/A, describe how assets are protected:			
	2) If yes, describe how and when insurance is obtained:			
	3) Are debtors or secured creditors contacted to provide insurance? (<i>Handbook 6-14</i>) If no or N/A, comment:			
o	If estate property is lost or stolen or damaged, do you promptly notify the United States Trustee and make an insurance claim? (<i>Handbook 6-14</i>) If no or N/A, comment:			
B	Debtor Bank Accounts and Receivables			
a	1) Do you or your staff promptly secure the debtor's bank accounts? (<i>Handbook 6-13</i>) If no or N/A, comment:			

Y = YES; N = NO, NA = NOT APPLICABLE		Y	N	NA
	2) If yes, explain when and how: <i>Please provide an example of correspondence used in this regard.</i>			
b	1) Do you or your staff promptly obtain the debtor's records for all types of receivables? (<i>Handbook 6-13</i>) If no or N/A, comment:			
	2) How do you determine and monitor the value of the estate's interest in receivables? (<i>Handbook 9-10, 9-13</i>)			
	3) Do you or your staff promptly send initial demand letters to collect debtor receivables? (<i>Handbook 9-13</i>) If no or N/A, comment:			
	4) If yes, explain when and how (see related accounts receivable questions on the Internal Control Questionnaire): <i>Please provide an example of correspondence used in this regard.</i>			
C	Personal Property (Inventory, Furniture, Fixtures, Autos, Jewelry, etc.)			
a	1) Is non-exempt personal property promptly secured? (<i>Handbook 6-13, 6-14</i>) If no or N/A, comment:			
	2) If yes, explain when and how: <i>Please provide an example of correspondence used in this regard.</i>			
b	1) Do you personally inventory the property? (<i>Handbook 6-13</i>) If no or N/A, explain who performs the counts and how you verify that the inventory taken by someone else is accurate:			

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	2) Do you document your inventory of the property for your files? If no or N/A, comment:			
	3) If yes, describe how the inventory is documented (videotape, written, etc.):			
c	Do you or your staff reconcile the inventory to the petition? (<i>Handbook 6-13</i>) If no or N/A , briefly describe how you know that all assets listed on the petition or in the inventory were actually received:			
d	1) Do you personally gather and lock non-exempt property in a warehouse, storage facility, etc., wherein it is secured under lock and key? (<i>Handbook 6-13</i>) If no or N/A , list each person assisting in securing assets and how the assets are secured:			
	2) Are steps taken to secure unencumbered property? (<i>Handbook 6-14</i>) If no or N/A , describe what other procedures are performed to secure assets and protect the estate from liability:			
	3) If yes, describe all actions taken to secure unencumbered property:			
D	Real Property			
a	How do you determine the value of real property: (<i>Handbook 6-13, 8-16</i>)			
b	How do you obtain control over real property (e.g. change locks, hire guards, etc.): (<i>Handbook 6-13</i>)			

Y = YES; N = NO, NA = NOT APPLICABLE		Y	N	NA
c	1) Prior to selling real property or allowing foreclosure on real property without abandonment, is a tax analysis performed? (<i>Handbook 8-7</i>) If no or N/A, comment:			
	2) If yes, by whom?			
E Asset Sales				
a	Is the retention of sales professionals, such as appraisers, auctioneers, and brokers, authorized by court order (if required) prior to employment? (<i>Handbook 8-20, 8-24</i>) If no or N/A, comment:			
b	Are sales properly noticed and authorized by court order, if required, prior to conducting the sale? (<i>Handbook 8-16 through 8-19</i>) If no or N/A, comment:			
c	1) Do you monitor sales to ensure that your employees, your professionals, your professionals' employees, and any family members do not bid on or buy estate property? (<i>Handbook 8-16</i>) If no or N/A, comment:			
	2) If yes, briefly describe your procedures:			
d	If you sell an asset under an installment contract, do you obtain and perfect a security interest in the property? (<i>Handbook 8-20</i>) If no or N/A, comment:			
e	1) Do you use auctioneers? (<i>Handbook 8-24, 8-26</i>) If no or N/A, comment:			

Y = YES; N = NO, NA = NOT APPLICABLE		Y	N	NA
	2) If yes, briefly describe your procedures for supervising them (i.e. attending auctions, thoroughly reviewing auctioneer reports, independently verifying reported information, etc.):			
f	1) Do you ensure that auctioneers are bonded? (<i>Handbook 8-25</i>) If no or N/A, comment:			
	2) Do you ensure that auctioneers maintain insurance coverage for lost or stolen property? (<i>Handbook 8-25</i>) If no or N/A, comment:			
	3) If yes to either question, briefly describe your procedures:			
g	1) If the auctioneer has possession of estate property prior to sale, do you periodically verify that the assets still exist and are in good condition? (<i>Handbook 8-25</i>) If no or N/A, comment:			
	2) Briefly describe your procedures.			
h	1) Do you ensure that the auction sales report and the sales proceeds are promptly received (i.e., within 30 days)? (<i>Handbook 8-26</i>) If no or N/A, comment:			
	2) If auction proceeds are not remitted by the auctioneer within 30 days or in accordance with local rules, describe your procedures for securing the funds:			
i	If you suspect that an auctioneer misappropriated assets do you promptly notify the United States Trustee and file a bond claim when necessary? (<i>Handbook 8-26</i>) If no or N/A, comment:			

Y = YES; N = NO, NA = NOT APPLICABLE		Y	N	NA
F	Claims Review			
a	1) At what point do you or your staff request a claims register? (<i>Handbook 8-28</i>)			
	2) Who performs the claims review?			
	3) Describe below your procedures for reviewing claims.			
b	Are objections to claims filed when appropriate? (<i>Handbook 8-28</i>) If no or N/A, comment:			
G	Other Issues			
a	1) Do you actively supervise attorneys and accountants employed on behalf of the estate? If no or N/A, comment:			
	2) If yes, briefly describe your procedures:			
b	Do you or your staff review professional fee applications for reasonableness and object or negotiate reductions, as appropriate? (<i>Handbook 8-26</i>) If no or N/A, comment:			
c	1) Do you maintain appropriate detailed time records? (<i>Handbook 8-28</i>) If no or N/A, comment:			
	2) If yes, briefly describe how the records are maintained:			

I certify that the foregoing responses are accurate and correct to the best of my knowledge.

Trustee's signature: _____ Date signed: _____